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STATE OF MICHIGAN
52-1 JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

CASE NO.
17-C06138 GC

Court address

48150 Grand River Ave, Novi, MI 48374

Court telephone no.

(248) 305-6511

Plaintiff's name(s), address(es), and telephone no(s).

Jalil Foty
c/o CREDIT REPAIR LAWYERS OF AMERICA
22142 W. Nine Mile Rd.
Southfield, MI 48033
(248) 353-2882

v

Defendant's name(s), address(es), and telephone no(s).

Equifax Information Services, LLC
RA: CSC Lawyers Incorporating Service Company
601 Abbott Road
East Lansing, MI 48823

Plaintiff's attorney, bar no., address, and telephone no.

Gary D. Nitzkin P41155
CREDIT REPAIR LAWYERS OF AMERICA
22142 W. Nine Mile Rd.
Southfield, MI 48033
(248) 353-2882

First Federal Credit Control, Inc.
New Corporate Creations Network, Inc
28175 Haggerty Road
Novi, MI 48377

This case assigned to
JUDGE DAVID LAW

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 10/20/17	This summons expires 1/19/18	Court clerk Alexandra Black
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.**Family Division Cases**☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) Novi, MI	Defendant(s) residence (include city, township, or village) Novi and East Lansing, MI
Place where action arose or business conducted Novi, MI	

10/16/2017

Date

Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter, you fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (5/15) **SUMMONS AND COMPLAINT** MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.108

tabbies

EXHIBIT

A

PROOF OF SERVICE**SUMMONS AND COMPLAINT**

Case No. _____

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,
together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____
Day, date, time
Signature _____ on behalf of _____

STATE OF MICHIGAN
IN THE 52-1st DISTRICT COURT

RECEIVED OCT 10 2017
52-1 DISTRICT COURT
OCT 10 2017

JALIL FOTY,
Plaintiff,

v.

EQUIFAX INFORMATION SERVICES, LLC,
a foreign limited liability company, and
FIRST FEDERAL CREDIT CONTROL, INC.,
an Ohio corporation,
Defendants.

GARY D. NITZKIN (P41155)
TRAVIS SHACKELFORD (P68710)
CARL SCHWARTZ (P70335)
CREDIT REPAIR LAWYERS
OF AMERICA
Attorneys for Plaintiff
22142 West Nine Mile Road
Southfield, MI 48033
Phone (248) 353-2882
Fax (248) 353-4840
Email – gary@crlam.com

COMPLAINT AND JURY DEMAND

NOW COMES THE PLAINTIFF, JALIL FOTY, THROUGH COUNSEL,
CREDIT REPAIR LAWYERS OF AMERICA, BY GARY D. NITZKIN, and for his
Complaint against the Defendants, plead as follows:

VENUE

1. The transactions and occurrences which give rise to this action occurred in the city of Novi, Oakland County, Michigan.
2. Venue is proper in 52-1st District Court in Oakland County, Michigan as the actions and occurrences recited herein occurred in Novi, in Oakland County, Michigan.

3. The amount in controversy is less than twenty-five thousand dollars (\$25,000.00) exclusive of costs, interest and attorney's fees.

PARTIES

4. Plaintiff is a natural person residing in Novi, Oakland County, Michigan.
5. The Defendants to this lawsuit are:
 - a. Equifax Information Services, LLC ("Equifax") which is a foreign limited liability company that maintains a registered agent in Ingham County, Michigan; and
 - b. First Federal Credit Control, Inc. ("First Federal") which is an Ohio corporation that maintains a registered agent in Oakland County, Michigan.

GENERAL ALLEGATIONS

6. First Federal is incorrectly reporting its trade line ("Errant Trade Line") on Mr. Foty's Equifax credit report with a balance of \$100.00.
7. Mr. Foty does not owe a balance because he paid the account that is the subject of the Errant Trade Line in full on May 16, 2016.
8. On July 25, 2017, Mr. Foty received a letter from First Federal stating that the account was paid in full on May 16, 2016.
9. On August 7, 2017, Mr. Foty obtained his Equifax credit file and noticed First Federal reporting the Errant Trade Line with a balance of \$100.00 and a status of unpaid.
10. On or about August 16, 2017, Mr. Foty submitted a letter to Equifax disputing the Errant Trade Line.

11. In the dispute letter, Mr. Foty explained that he paid the account in full, attached a copy of the letter from First Federal and requested the balance to be removed the status to be reported as paid in full.
12. Upon information and belief, Equifax forwarded Mr. Foty's consumer dispute to First Federal.
13. Mr. Foty did not receive Equifax's investigation results, so on October 2, 2017, he obtained his credit file and noticed First Federal continued to report the Errant Trade Line as open with a balance of \$100.
14. As a direct and proximate cause of the Defendants' negligent and/or willful failure to comply with the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., Plaintiff has suffered credit and emotional damages. Due to the Defendants' failure to correct the errors in his credit file, Plaintiff has been forced to refrain from applying for new credit or more favorable terms on existing credit lines. Plaintiff has also experienced undue stress and anxiety due to Defendants' failure to correct the errors in his credit file or improve his financial situation by obtaining new or more favorable credit terms as a result of the Defendants' violations of the FCRA.

COUNT I

NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT BY FIRST FEDERAL

15. Plaintiff realleges the above paragraphs as if recited verbatim.
16. After being informed by Equifax of Mr. Foty's consumer dispute to the Errant Trade Line, First Federal negligently failed to conduct a proper investigation of Mr. Foty's dispute as required by 15 USC 1681s-2(b).

17. First Federal negligently failed to review all relevant information available to it and provided by Equifax in conducting its reinvestigation as required by 15 USC 1681s-2(b). Specifically, it failed to direct Equifax to remove the Errant Trade Line from Mr. Foty's credit file.
18. The Errant Trade Line is inaccurate and creating a misleading impression on Mr. Foty's consumer credit file with Equifax to which it is reporting such trade line.
19. As a direct and proximate cause of First Federal's negligent failure to perform its duties under the FCRA, Mr. Foty has suffered damages, mental anguish, suffering, humiliation and embarrassment.
20. First Federal is liable to Mr. Foty by reason of its violations of the FCRA in an amount to be determined by the trier of fact together with reasonable attorneys' fees pursuant to 15 USC 1681o.
21. Mr. Foty has a private right of action to assert claims against First Federal arising under 15 USC 1681s-2(b).

WHEREFORE, PLAINTIFF PRAYS that this court grant him a judgment against the Defendant First Federal for damages, costs, interest and attorneys' fees in the amount of less than twenty five thousand dollars (\$25,000.00) exclusive of costs, interest and attorney's fees.

COUNT II

WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT BY FIRST FEDERAL

22. Plaintiff realleges the above paragraphs as if recited verbatim.

23. After being informed by Equifax that Mr. Foty disputed the accuracy of the information it was providing, First Federal willfully failed to conduct a proper reinvestigation of Mr. Foty's dispute.
24. First Federal willfully failed to review all relevant information available to it and provided by Equifax as required by 15 USC 1681s-2(b).
25. As a direct and proximate cause of First Federal's willful failure to perform its respective duties under the FCRA, Mr. Foty has suffered damages, mental anguish, suffering, humiliation and embarrassment.
26. First Federal is liable to Mr. Foty for either statutory damages or actual damages he has sustained by reason of its violations of the FCRA in an amount to be determined by the trier of fact, together with an award of punitive damages in the amount to be determined by the trier of fact, as well as for reasonable attorneys' fees and he may recover therefore pursuant to 15 USC 1681n.

WHEREFORE, PLAINTIFF PRAYS that this court grant him a judgment against First Federal for the greater of statutory or actual damages, plus punitive damages, along with costs, interest and attorneys' fees in the amount of less than twenty five thousand dollars (\$25,000.00) exclusive of costs, interest and attorney's fees.

COUNT III

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT
BY EQUIFAX**

27. Plaintiff realleges the above paragraphs as if recited verbatim.
28. Defendant Equifax prepared, compiled, issued, assembled, transferred, published and otherwise reproduced consumer reports regarding Mr. Foty as that term is defined in 15 USC 1681a.
29. Such reports contained information about Mr. Foty that was false, misleading and inaccurate.
30. Equifax negligently failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information it reported to one or more third parties pertaining to Mr. Foty, in violation of 15 USC 1681e(b).
31. After receiving Mr. Foty's consumer dispute to the Errant Trade Line, Equifax negligently failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.
32. As a direct and proximate cause of Equifax's negligent failure to perform its duties under the FCRA, Mr. Foty has suffered actual damages, mental anguish and suffering, humiliation and embarrassment.
33. Equifax is liable to Mr. Foty by reason of its violation of the FCRA in an amount to be determined by the trier of fact together with his reasonable attorneys' fees pursuant to 15 USC 1681o.

WHEREFORE, PLAINTIFF PRAYS that this court grant him a judgment against Equifax for actual damages, costs, interest and attorneys' fees in the amount of less than twenty five thousand dollars (\$25,000.00) exclusive of costs, interest and attorney's fees.

COUNT IV

**WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT
BY EQUIFAX**

34. Plaintiff realleges the above paragraphs as if recited verbatim.
35. Defendant Equifax prepared, compiled, issued, assembled, transferred, published and otherwise reproduced consumer reports regarding Mr. Foty as that term is defined in 15 USC 1681a.
36. Such reports contained information about Mr. Foty that was false, misleading and inaccurate.
37. Equifax willfully failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information that it reported to one or more third parties pertaining to Mr. Foty, in violation of 15 USC 1681e(b).
38. After receiving Mr. Foty's consumer dispute to the Errant Trade Line, Equifax willfully failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.
39. As a direct and proximate cause of Equifax's willful failure to perform its duties under the FCRA, Mr. Foty has suffered actual damages, mental anguish and suffering, humiliation and embarrassment.
40. Equifax is liable to Mr. Foty by reason of its violations of the FCRA in an amount to be determined by the trier of fact together with his reasonable attorneys' fees pursuant to 15 USC 1681n.

WHEREFORE, PLAINTIFF PRAYS that this court grant him a judgment against Defendant Equifax for the greater of statutory or actual damages, plus punitive damages along

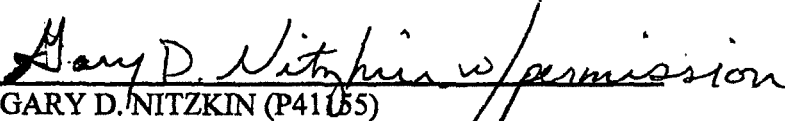
with costs, interest and reasonable attorneys' fees in the amount of less than twenty five thousand dollars (\$25,000.00) exclusive of costs, interest and attorney's fees.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

Respectfully submitted,

Dated: October 16, 2017


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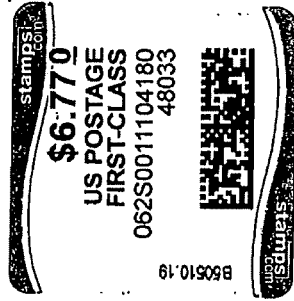
NITZKIN & ASSOCIATES
22142 W 9 MILE ROAD
SOUTHFIELD, MICHIGAN 48033

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



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Equifax Information Services, LLC
RA: CSC Lawyers Incorporating Service
Company
601 Abbott Road
East Lansing, MI 48823